

Tom Taggart
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JO MAIL ROOM

FEB 27 1997

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Tel: 614-797-2177

DOCKET FILE COPY ORIGINAL

William Caton
Acting Secretary
Federal Communications
Commission
1919 M Street NW
Washington, D.C. 20554

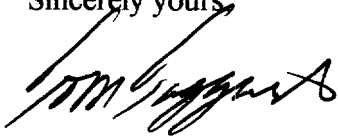
RE: New Martinsville, W.V.
(Petition to amend FM table of allotments)

Dear Sir:

Enclosed please find an original and three copies of a petition for rule making seeking to amend the FM table of allotments to add a third FM channel at New Martinsville, W.V. being filed on behalf of Seven Ranges Radio Co. Inc. of St. Marys, W.V.

If there are any questions you may contact me at the above telephone number.

Sincerely yours,



Tom Taggart,
Attorney for the Petitioner,
Seven Ranges Radio Co., Inc.

Feb. 22, 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JO MAIL ROOM

FEB 27 1997

19-1-16-17

IN THE MATTER OF:

Amendment of Sec. 73.202(b)

RM--

FM Table of Allotments;
New Martinsville, W.V. (258A, 280A)
Add: Ch. 222A

PETITION FOR RULEMAKING

1. Seven Ranges Radio Company, Inc., ("Seven Ranges") of St. Marys, W.V., is an applicant for channel 258A, (99.5 mHz.) at New Martinsville, W.V. (BPH-60223MA). This application is mutually exclusive with that of Nelson Hachem, of Proctor, W.V. (BPH-60228MD).

2. Channel 258A was assigned by the Commission to New Martinsville in 1995 at the request of Seven Ranges as that city's second FM channel. The other channel, Channel 280A, is occupied by station WETZ-FM, which is operated by Nelson Hachem's wholly owned corporation, HBN Communications, Inc. At the time of that allotment, this appeared to be the only other channel available at New Martinsville.

3. As will be discussed below, a reversal of a previous assignment of Ch. 221A to Clarksburg, W.V. now permits the use of channel 222A at New Martinsville. By a previous filing in the Ch. 258A proceeding, Seven Ranges suggested that the pending proceeding might be resolved if one of the applicants were permitted to use Ch. 222A and the other ch. 258A.

4. Mr. Hachem, through counsel, replied that he was not interested in channel 222A, but suggested that we might seek this allotment. The Commission has also suggested, by telephone call, that we make such a request.

Therefore, Seven Ranges requests that the FM table of allotments be amended to add Channel 222A (92.3 mHz.) to New Martinsville, W.V. as that city's third FM allotment. Further, that this channel be reserved for use by Seven Ranges.

If the table is so amended, Seven Ranges will promptly submit an amendment to their pending application to specify operation on Channel 222A (instead of 258A) at New Martinsville, W.V.

This will, in turn, allow the Commission to grant the application of Nelson Hachem for Channel 258A and close these proceedings at New Martinsville.

MEMORANDUM

We should like to emphasize at the outset that Seven Ranges has no intention of dismissing its pending application at New Martinsville for Ch. 258A (99.5 mHz.). Since there are only two applicants for that channel, if the other applicant should change his mind and withdraw his application, the Commission could grant our application for 99.5 and this allotment would not be necessary.

Seven Ranges is the licensee of station WRRR-FM at St. Marys, W.V., some 25 miles southwest of New Martinsville. Since 1989, we have operated WRRR-FM/1 at Hannibal, Ohio, a ten watt booster station that provides some service to New Martinsville. Our programming has proven quite popular with the community, and this interest from both members of the public and the business community prompted our request for the allotment of channel 258A, and, therefrom, this allotment.

New Martinsville (population 6,705*), is the county seat of Wetzel County (pop. 19,258) and serves as a trading center for Tyler County W.V. (pop. 9,796) and portions of Monroe County, Ohio (pop. 15,407); including the nearby communities of Paden City (2,862), Sistersville (1,797) and

Middlebourne (922) W.V. All of these communities, except Middlebourne, are located in the flood plain of the Ohio River (which is the border between W.V. and Ohio in this area). Depending upon the exact tower location, they would all be within the city grade contour of a station on ch. 222A.

New Martinsville and Wetzel County are located in north central West Virginia, just below the northern panhandle and the Wheeling metropolitan area. The principal industries are basic metals (aluminum), chemicals and glass, and there are several large plants (Consolidated Aluminum, Mobay Chemicals, Bayer, A.G.;) located in southern Marshall County W.V., and Monroe County, Ohio where the residents of the city and county are employed. Most residents of the county live in the narrow strip of land between the hills and the Ohio River, the interior of Wetzel county is very sparsely populated.

New Martinsville presently has radio stations WETZ, a daytime station on 1330 kHz., and WETZ-FM, a Class A station on Ch. 280A, 103.9 MHz. There is a weekly newspaper, the *Wetzel Chronicle*. Being close to the Wheeling market, several stations from that area provide some coverage to New Martinsville. The Commission is invited to refer to the exhibit prepared by Nelson Hachem in application number (BPH-60228MD), which would indicate that the city-grade contour of his application (and by extension, the city grade contour of this allotment) would intersect the city grade contours of as many as 8 other stations. As a practical matter, coverage is very spotty in the valley from these out of town stations because of signal blockage by the hills surrounding the Ohio River, hence our booster station for WRRR-FM. The city is within the 57 dbu contour of WRRR-FM, the 70 dbu contour reaches only to Sistersville, about 10 miles southwest of New Martinsville.

*1990 census

At the time Seven Ranges proposed allotment of Ch. 258A (99.5) as New Martinsville's second channel, Channel 222A (92.3) was not available at New Martinsville because of proceedings on adjacent channel 221A (92.1). To the southeast of New Martinsville was a construction permit for station WVHF, Clarksburg, W.V.; to the northwest, two pending applications at Pleasant City, Ohio. However, this fall, the Commission reversed the Clarksburg allotment, and officially returned WVHF to ch. 224A (92.7), where it had been operating all along. This permits the use of a site south of New Martinsville which is fully spaced to both the Pleasant City applicants, as well as all other adjacent and co-channel stations.


Seven Ranges' site for 99.5 is short-spaced to both applicants at Pleasant City. However, if the Commission grants this allotment and reserves the 92.3 channel for Seven Ranges, our analysis indicates that this site may also be used with for 92.3, using contour protection towards the Pleasant City applicants. At the power and antenna height presently proposed for 99.5, there would be no overlap of protected contours on 92.3 to either applicant for 92.1. Such contour protection is specifically permitted by Section 73.215, so long as there is a site that may be allotted that is full-spaced. We believe we might have available another site that is fully spaced, but we have an excellent relationship with the owner of our present site (he owns the FM booster site) and would prefer to build at this site since it would appear to be permitted under the rules.

Since New Martinsville is within 250 miles of the Canadian border, notification to Ottawa is required.

The Commission is requested to refer to the engineering exhibit following this discussion which explores these issues in more detail.

Therefore, since the allotment of Ch. 222A as New Martinsville's third FM channel will allow both the resolution of the pending proceeding for Ch. 258A and the establishment of new services at New Martinsville, we urge the adoption of this allotment as proposed above.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Thomas P. Taggart", written in a cursive style.

Thomas P. Taggart, Attorney at Law
for Seven Ranges Radio Co., Inc.,
P.O. Box 374
St. Marys, W.V. 26170
Tel. 614-797-2177

Feb. 22, 1997

ENGINEERING STATEMENT

Amendment of FM Table of Allotments;
New Martinsville, W.V.

Present: Ch. 258A, 280A Proposed: 222A, 258A, 280A.

This engineering statement is prepared in support of the proposal of Seven Ranges Radio Co. Inc. (Seven Ranges) to allot Ch.222A (92.3 MHZ) to New Martinsville, W.V. as that city's third FM channel. It is prepared by Thomas P. Taggart, who is the holder of a lifetime general class license, and is part-owner of Seven Ranges. The proposal is to allot a third Class FM channel (ch. 223A, 92.3 MHZ) to New Martinsville, W.Va., and reserve it for the use of Seven Ranges. At that point, we would propose to amend Seven Ranges' pending application (BPH-60223MA) to specify operation on ch. 222A instead of ch. 258A.

CHANNEL 223A

There are now two Class FM channels allotted to New Martinsville, W. Va.: Channels 258A (99.5 MHZ.) and 280A (103.9 MHZ.). Channel 280A is used by Nelson Hachem's WETZ-FM. Seven Ranges requested channel 258A be added at New Martinsville as a counterproposal to the 1995 request of Salem College to add this channel to Salem, W. Va. (The commission assigned a different channel to Salem). Seven Ranges and Nelson Hachem have mutually exclusive applications for a new FM station at New Martinsville, W. Va. for Ch. 258A (99.5 MHZ). At the time Seven Ranges requested Ch. 258A at New Martinsville, it appeared that this was the only other channel that could be used at that city.

Several years ago, station WVHF-FM, Clarksburg, W. Va., convinced the Commission to re-assign that station from Ch. 224A (92.7 MHZ.) to Ch. 221A (92.1 MHZ.). WVHF-FM was granted a construction permit for operation on ch. 221A (BPH940418IC). Based on the coordinates of this construction permit, Ch. 222A would not be useable at New Martinsville because all of the possible sites were either short-spaced to WVHF, or to one of the two applicants for a new station (also on Ch. 221A) at Pleasant City, Ohio. Pleasant City is northwest of New Martinsville, while WVHF-FM lies to the southeast. This fall, WVHF-FM was returned to its original channel assignment of Ch. 224A (September 16, 1996, 61 FR 48639). The station never actually changed frequencies, and to this day still operates on 92.7 MHZ.

With this change, Channel 222A is now available for assignment to New Martinsville, W.V. There are several sites available that will meet minimum separation requirements and provide city grade coverage of New Martinsville. Table I demonstrates this, the site used for this table is two miles south of downtown and the coordinates are 39 degrees, 37' 0" North, 80 degrees, 52' 0" West:

Table I

91.7 MHZ, Ch. 219 WWVU, Morgantown, W. V. (A)	79.17 Km	Required: 31 Km.
91.9 MHZ, Ch. 220 WPHP, Wheeling W. V. (A)	53.60 Km	Required: 31
92.1 MHZ, Ch. 221 APP 950109MC Pleasant City, Oh.*	72.40 Km	Required: 72
APP 950109MF Pleasant City, Oh.+	73.45 Km.	
92.3 MHZ, Ch. 222B WCOL-FM Columbus, Oh.	189.01 Km.	Required: 178
222A WWHC, Oakland, Md.	116.50 Km.	Required: 115
92.5 MHZ, Ch. 223B WZKL, Alliance, Ohio	132.22 Km.	Required: 113
92.7 MHZ., Ch. 224A WVHF-FM, Clarksburg, W. V.	59.68 Km.	Required: 31
92.9 MHZ., Ch. 225B WL TJ, Pittsburgh, Pa.	121.46 Km.	Required: 69

*In Phase Broadcasting, Inc., Pleasant City, Ohio

+W. Grant Hafley, Cambridge, Ohio

There are no nearby stations on either 102.9 or 103.1, the IF beat frequencies. Table II shows these spacings for Ch. 222A, using the coordinates of the site proposed by Seven Ranges for Ch. 258A:

Table II
Seven Ranges Radio site at Hannibal, Ohio
39 40'16" N, 80 53' 04" W

91.7 MHZ, Ch. 219 WWVU, Morgantown, W. V. (A)	80.73 Km	Required: 31 Km.
91.9 MHZ, Ch. 220 WPHP, Wheeling W. V. (A)	48.56 Km	Required: 31
92.1 MHZ., Ch. 221 APP 950109MC Pleasant City, Oh.*	67.46 Km	Required: 72
APP 950109MF Pleasant City, Oh.+	68.58 Km.	
92.3 MHZ., Ch. 222B WCOL-FM Columbus, Oh.	182.27 Km.	Required: 178
222A WWHC, Oakland, Md.	119.09 Km.	Required: 115
92.5 MHZ., Ch. 223B WZKL, Alliance, Ohio	125.99 Km.	Required: 113
92.7 MHZ., Ch. 224A WVHF-FM, Clarksburg, W. V.	64.69 Km.	Required: 31
92.9 MHZ., Ch. 225B WL TJ, Pittsburgh, Pa.	117.57 Km.	Required: 69

*In Phase Broadcasting, Inc., Pleasant City, Ohio

+W. Grant Hafley, Cambridge, Ohio

As Table 2 indicates, the present Seven Ranges site meets all minimum separation requirements except towards Pleasant City, Ohio on Ch. 221A, the lower first adjacent channel. Section 73.215 provides that an applicant for a new station may use a site that is short-spaced in one or more directions so long as there is a site available that meets all separations, and so long as the applicant provides contour protection to the short-spaced station. Since the short spaced station would be either of the two applicants for Pleasant City's Ch. 221A, the 54 dbu contour of the Seven Ranges station must not overlap the 60 dbu contour of Pleasant City; nor may the 54 dbu of either of these proposed stations overlap the 60 dbu of Seven Range's proposal. At our proposed 1.8 Kw. at 138 meters above average terrain, there is no contour overlap between this proposal and either applicant at Pleasant City.

We will note that Channel 222A could also be used as an allocation at several small towns in West Virginia: Paden City, which is some four miles south of New Martinsville on the Wetzel-Tyler County line, Sistersville or Middlebourne, W.V. (both Tyler County). All of these communities would be inside the city-grade contour of any full-facility station established at the site described above in Table I. This channel might also be used to provide service to Pennsboro or Harrisville in Ritchie county, about 30 miles to the south-south west. There is, however, another channel that could be assigned to provide service to Ritchie county if demand warranted.

New Martinsville, population 6,705, is the county seat of Wetzel County (pop. 19,258). Paden City, pop. 2,862, the second largest village in Wetzel County is too close to New Martinsville to have an independent retail district. The rest of these communities are quite small:

Middlebourne--- 922
Sistersville----- 1,797
Harrisville-----1,839
Pennsboro-----1,282

All populations are 1990 census. We are unaware of any interest expressed in the past for assignments to any of these communities.

Tables 3 through 5

These tables show the terrain and contour data for the 54 and 60 dbu contours for the following applications:

Table 3--Seven Ranges
Table 4--In Phase
Table 5--W. Grant Hafley

The tables show the distances to the 60 (50/50) and 54 (50/10) dbu contours for the respective stations on bearings between New Martinsville and Pleasant City. The direct bearing between the Seven Ranges site in Hannibal, Ohio to the In Phase site is 306 degrees, return bearing 126 degrees; to Hafley it is 305 and 125 degrees respectively. Contours are based on the use of a 30 second NGDC database over the radials shown.

TERRAIN AND CONTOUR DATA
Table 3
Seven Ranges Radio Co., Inc.
New Martinsville, W.V.
Ch. 222A

ERP = 1.8 kW
FM - 2-6 Tables 30 Sec

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50)	F(50-10)
				Distance to 60 dBu Contour km	Distance to 54 dBu Contour km
290	322.0	118.0	2.553	23.3	34.9
291	322.6	117.4	2.553	23.2	34.8
292	322.6	117.4	2.553	23.2	34.8
293	322.2	117.8	2.553	23.3	34.8
294	321.4	118.6	2.553	23.3	34.9
295	320.9	119.1	2.553	23.4	35.0
296	320.7	119.3	2.553	23.4	35.0
297	321.0	119.0	2.553	23.4	35.0
298	321.8	118.2	2.553	23.3	34.9
299	323.2	116.8	2.553	23.2	34.7
300	325.0	115.0	2.553	23.0	34.4
301	326.9	113.1	2.553	22.8	34.1
302	328.9	111.1	2.553	22.6	33.8
303	331.1	108.9	2.553	22.4	33.4
304	333.2	106.8	2.553	22.2	33.1
305	335.2	104.8	2.553	22.0	32.7
306	336.8	103.2	2.553	21.9	32.5
307	338.2	101.8	2.553	21.7	32.2
308	339.2	100.8	2.553	21.6	32.0
309	339.4	100.6	2.553	21.6	32.0
310	338.2	101.8	2.553	21.7	32.2
311	335.3	104.7	2.553	22.0	32.7
312	331.9	108.1	2.553	22.4	33.3
313	328.9	111.1	2.553	22.6	33.8
314	326.6	113.4	2.553	22.9	34.2
315	324.6	115.4	2.553	23.0	34.5
316	323.0	117.0	2.553	23.2	34.7
317	322.1	117.9	2.553	23.3	34.8
318	322.5	117.5	2.553	23.2	34.8
319	323.9	116.1	2.553	23.1	34.6
320	325.6	114.4	2.553	23.0	34.3

Ave. = 327.2 M 112.4 M					

Antenna Radiation Center AMSL = 440.0 M

Geographic Coordinates:

North latitude: 39 40 16
West longitude: 80 53 04

TERRAIN AND CONTOUR DATA
Table 4
In Phase Broadcasting
Pleasant City, Ohio
Ch. 221A

ERP = 6 kW
FM - 2-6 Tables 30 Sec

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 60 dBu Contour km	F(50-10) Distance to 54 dBu Contour km
110	286.4	96.6	7.782	27.8	43.0
111	287.3	95.7	7.782	27.7	42.8
112	288.2	94.8	7.782	27.6	42.6
113	289.1	93.9	7.782	27.5	42.4
114	290.1	92.9	7.782	27.3	42.2
115	291.1	91.9	7.782	27.2	42.0
116	292.1	90.9	7.782	27.0	41.8
117	292.9	90.1	7.782	26.9	41.6
118	293.4	89.6	7.782	26.9	41.5
119	293.8	89.2	7.782	26.8	41.4
120	294.2	88.8	7.782	26.8	41.3
121	295.2	87.8	7.782	26.6	41.1
122	296.7	86.3	7.782	26.4	40.7
123	298.7	84.3	7.782	26.1	40.2
124	300.1	82.9	7.782	25.9	39.9
125	300.2	82.8	7.782	25.9	39.9
126	299.1	83.9	7.782	26.0	40.1
127	298.2	84.8	7.782	26.2	40.4
128	298.1	84.9	7.782	26.2	40.4
129	298.3	84.7	7.782	26.2	40.3
130	298.5	84.5	7.782	26.1	40.3
131	298.4	84.6	7.782	26.1	40.3
132	298.1	84.9	7.782	26.2	40.4
133	297.7	85.3	7.782	26.2	40.5
134	297.3	85.7	7.782	26.3	40.6
135	297.4	85.6	7.782	26.3	40.5
136	297.5	85.5	7.782	26.3	40.5
137	297.7	85.3	7.782	26.2	40.5
138	297.7	85.3	7.782	26.2	40.5
139	297.8	85.2	7.782	26.2	40.4
140	297.9	85.1	7.782	26.2	40.4

Ave. = 295.4 M 87.5 M

Antenna Radiation Center AMSL = 383.0 M

Geographic Coordinates:

North latitude: 40 01 44
West longitude: 81 31 17

TERRAIN AND CONTOUR DATA
Table 5
W. Grant Hafley
Pleasant City, Ohio
Ch. 221A

ERP = 6 kW
FM - 2-6 Tables 30 Sec

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 60 dBu Contour km	F(50-10) Distance to 54 dBu Contour km
110	289.6	91.4	7.782	27.1	41.9
111	290.5	90.5	7.782	27.0	41.7
112	291.2	89.8	7.782	26.9	41.5
113	291.8	89.2	7.782	26.8	41.4
114	292.1	88.9	7.782	26.8	41.3
115	292.4	88.6	7.782	26.7	41.3
116	292.7	88.3	7.782	26.7	41.2
117	293.4	87.6	7.782	26.6	41.0
118	294.6	86.4	7.782	26.4	40.7
119	295.9	85.1	7.782	26.2	40.4
120	296.4	84.6	7.782	26.1	40.3
121	295.9	85.1	7.782	26.2	40.4
122	295.2	85.8	7.782	26.3	40.6
123	295.2	85.8	7.782	26.3	40.6
124	295.7	85.3	7.782	26.2	40.5
125	296.2	84.8	7.782	26.2	40.4
126	296.5	84.5	7.782	26.1	40.3
127	296.7	84.3	7.782	26.1	40.2
128	297.0	84.0	7.782	26.1	40.2
129	297.2	83.8	7.782	26.0	40.1
130	297.3	83.7	7.782	26.0	40.1
131	297.2	83.8	7.782	26.0	40.1
132	297.1	83.9	7.782	26.0	40.1
133	297.0	84.0	7.782	26.1	40.2
134	297.0	84.0	7.782	26.1	40.2
135	297.0	84.0	7.782	26.1	40.2
136	296.8	84.2	7.782	26.1	40.2
137	296.4	84.6	7.782	26.1	40.3
138	295.6	85.4	7.782	26.3	40.5
139	294.3	86.7	7.782	26.4	40.8
140	292.7	88.3	7.782	26.7	41.2

Ave. = 294.4 M 86.0 M

Antenna Radiation Center AMSL = 381.0 M

Geographic Coordinates:

North latitude: 40 01 35
West longitude: 81 32 23